

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-216413

DATE: October 10, 1984

MATTER OF: Micro Computer Systems, Inc.

DIGEST:

Untimely protest does not raise a significant issue so as to warrant its consideration on the merits where the issue is not of first impression and does not sufficiently impact on the procurement community.

Micro Computer Systems, Inc. (MCSI), protests the proposed award of a contract by the National Credit Union Administration (NCUA) under solicitation No. RFP-R-84-006, for systems analysis and design and software development. MCSI alleges that the solicitation's evaluation criteria (particularly the requirement for previous experience with NCUA) favor offerors who have already contracted with NCUA and unfairly prevents equally qualified offerors without such experience from competing, contrary to the government's best interest.

We dismiss the protest.

The closing date for the receipt of offers was August 15, 1984. MCSI filed the protest in our Office on September 14, 1984. MCSI concedes that the protest is untimely under 4 C.F.R. § 21.2(b)(1) (1984), which requires that protests based upon alleged solicitation improprieties which are apparent before the closing date for the receipt of offers (as was the case here) be filed before that date. However, it argues that the protest raises issues that are significant to procurement practices at NCUA and other agencies, making it an issue of widespread interest, which warrants an exception to our usual timeliness rules pursuant to 4 C.F.R. § 21.2(c).

We consider untimely protests under the above exception when the issue or issues raised are of widespread interest to the procurement community and have not been previously considered. However, in order to prevent the timeliness requirements from becoming meaningless, the exception is strictly construed and exercised sparingly. Since MCSI alleges essentially that

29507

B-216413

2

the solicitation's specifications are unduly restrictive, its protest does not present an issue of first impression, nor, in our view, does it sufficiently impact on the procurement community, save its impact on this particular procurement. Therefore, we will not apply our exception here. See Universal Design Systems, Inc.--Reconsideration, B-211547.3, Aug. 16, 1983, 83-2 C.P.D. ¶ 220.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel